

Decision Number: 60F [2025] 24358

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **GENAVIEVE LYNDA JEANETTE FERGUSON** for a **Manager's Certificate** pursuant to section 219 of the Act

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson: Mrs M S Redstone
Committee Mr D Ivory
Ms D Morrison

**DECISION ON APPLICATION FOR MANAGER'S CERTIFICATE
HEARING: 12 MARCH 2026**

[1] This is an application by **GENAVIEVE LYNDA JEANETTE FERGUSON** ('the applicant') for a Manager's Certificate pursuant to section 219 of the Sale and Supply of Alcohol Act 2012 ('the Act').

[2] The application was opposed by the New Zealand Police, supported by the Chief Licensing Inspector, in that the applicant had been involved in two altercations near licensed premises in November 2023 and again in March 2024. In July 2024 she was convicted of a charge of "being a person under 20 breath contained alcohol". The application therefore went to a public hearing on 12 March 2026.

[3] Ms Ferguson (Genavieve) presented well at the hearing. Genavieve gave evidence of challenges encountered in her past. She had attained NCEA level 2 before leaving school and obtaining a position at Armadillos Halswell. She had worked there continuously apart from a six-month period in 2024 working at the Tai Tapu Hotel.

[4] Genavieve acknowledged her offending which took place near licensed premises and involved her intoxication. She received a warning on the first occasion and was given diversion on the second. She successfully graduated from a Limited Service Volunteer (LSV) course which taught her skills in structure, discipline and personal accountability. She said this course helped her develop resilience, responsibility and maturity. It reinforced the importance of consequences, leadership and good decision-making. On returning from this course she moved away from the bad influence of several friends and devoted her time to turning her life around and working hard to attain goals in her chosen career in the hospitality industry. She was clearly remorseful. She has currently been prescribed medication and is to commence counselling arranged by her General Practitioner.

[5] Genavieve found it hard at times to answer questions about alcohol-related harm put to her by the Committee. She had however, passed her test with the Licensing Inspector following her application for a Manager's Certificate. It was clear to the Committee that whilst she had undertaken considerable training, she lacked maturity in some areas in relation to her current knowledge.

[6] Ms Ferguson was well supported by the Senior Team Leader and the owner of Armadillos. They both explained the wraparound procedures they had put in place as they found Genavieve to fundamentally be a young person wanting to put her past behind her and achieve goals in her life. Mr Crosbie, in particular, was firm in his conviction that Genavieve could do well if she was given the opportunity to prove herself. He said if he was wrong in that it could have a detrimental effect on his business, so he did not offer his support lightly. He supported a condition of any Certificate being to allow for work at his premises only.

[7] The Committee was impressed with the training material used by Armadillos to support staff, the tools they provided, and the expectations they placed on their staff members.

[8] Senior Constable Bensley supported her brief of evidence with video showing the altercations that had taken place. They were serious in nature and showed a pattern of offending. She accepted that Genavieve appeared to be making every effort to turn her life around following attending the LSV course and had not come to the attention of the Police since that time. Having heard all the evidence and noting the support Genavieve has from here employer, she was supportive of Genavieve being given a chance to prove herself following a standdown period appropriate to the offending and to allow for further training.

[9] The Licensing Inspector, Mr Hay, advised that Genavieve had attended an interview where her knowledge was found to be suitable to hold a Manager's Certificate. In addition, she has passed her LCQ. However, he did express some concerns at her responses during the hearing and felt she would benefit from additional training.

[10] The Committee notes Genavieve's remorse in so far as the convictions and incidents referred to are concerned. The Committee must turn it's mind to the requirements of the Act which state:

[11] Having regard to matters raised in S. 222 - Licensing Committees **MUST** consider

- The applicant's suitability to be a manager
- Any convictions recorded against the applicant
- Any experience, in particular recent experience that the applicant has had in controlling any premises for which a licence was in force
- Any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification require under section 218

[12] While having worked in the industry since the age of 18, it is noted that Genavieve turned 20 in September 2025. She gained her LCQ Certificate online in the same month and immediately applied for a Manager's Certificate. A Committee would normally look for a six-month period gaining experience following the obtaining of the LCQ Certificate. The Committee supports the views of the Chief Licensing Inspector and Mr Crosbie that applicants receive a better qualification by attending an LCQ course (Pinnacle or ARA) rather than completing it online.

[13] The Committee must then look at the guidance of Higher Courts in relation to alcohol-related harm and behaviour and any convictions. It must consider:

- (a) Whether an applicant is unsuitable; or
- (b) Whether an applicant may be suitable following an appropriate standdown period.

And in assessing that period we must look at fairness in how we have dealt with other managers in similar circumstances.

[14] We look first to the ARLA decision in G L Osborne¹ which refers to a standdown period of five years free of any convictions. The Judge in Osborne goes further to say that less serious convictions also carry weight. For example, he recommends a standdown period of two years from the date of conviction for a minor matter, provided suitable reports are received.

[15] In this case we accept that a warning was given for the first incident and diversion for the second. However, the facts of the assaults show they were serious, were alcohol-related, carried out by someone working in the industry, and could lead to a finding of lack of suitability.

[16] We are minded to follow in DT Hayford v Christchurch District Licensing Authority² in which Holland J said:

"... I said a few moments ago that a finding should not be infinite ... it may well be that he should be given another chance. That will be for the Tribunal having the authority of deciding whether or not a new licence is to be granted. I would not want it to be said that because this Court has said he is a person unsuitable to carry on a licence that that should permanently be regarded as the situation."

[17] Acknowledging the attendance at the LVS course, the intention to attend counselling, and the support of her employer, and accepting of Genavieve's desire to turn her life around, we are prepared to look at a standdown period of less than the five years recommended, but certainly more than the two years recommended for one-off minor offending.

[18] Taking all the evidence into account we consider it would not be appropriate to grant a Manager's Certificate at this point in time. We consider an appropriate standdown and training period to be three years from the date of the breath alcohol offence on 16 June 2024, 15 months from now. That may seem a long way off, but the applicant is not yet 21 years old.

[19] During the coming 15 months the applicant will need to demonstrate responsible conduct. To be a Duty Manager conduct needs to be exemplary. Obtaining a Manager's Certificate is a privilege, not a right, and the industry requires people who can be trusted to be an example to others and to be the eyes and ears of the Police, who cannot be everywhere.

[20] We recommend Genavieve remain in her current position where she has excellent support and the opportunity to take advantage of excellent training. The Committee agrees with the assessment of the Police and the Licensing Inspector that she is young, she still has

¹ G L Osborne NZARLA 2388/95

² DT Hayford v Christchurch District Licensing Authority (High Court Christchurch AP201/92), 3 December 1993 at page 10

some issues in her life that she is currently addressing, and she can work her way to a great career in the industry. We wish her well.

DATED at CHRISTCHURCH this 13th day of March 2026.

A handwritten signature in black ink, appearing to read 'Merelyn Redstone', written in a cursive style.

Merelyn Redstone
Chairperson
Christchurch District Licensing Committee